

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.442 OF 2015
IN
CRIMINAL APPEAL NO.428 OF 2015

Santosh Jagannath Sabale	 Applicant
<i>Versus</i>	
The State of Maharashtra	 Respondent

Mr. Jaydeep D. Mane for the Applicant.

Mrs. A.S. Pai, A.P.P., for the Respondent-State.

CORAM : SMT. V.K. TAHILRAMANI, ACTING C.J. &
DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 30TH NOVEMBER 2015.

P.C. :

1. This Criminal Application is preferred by the Applicant seeking suspension of his substantive sentence of imprisonment and his release on bail during pendency of the Appeal.

2. The Applicant has been held guilty and convicted by the Trial Court for the offences punishable under Section 302 and Section 498A of IPC. He is sentenced to suffer life imprisonment and to pay fine. As per prosecution case, Applicant has poured kerosene on his

wife Minakshi and set her on fire. As a result of it, she sustained 72% burns.

3. There is consistent evidence on record in the form of Dying Declarations. There are two oral Dying Declarations made before PW-1 Balasaheb and PW-2 Ashabai, the parents of the Deceased. There is also written Dying Declaration (Exhibit-26) recorded by PW-3 Special Executive Magistrate Dharmaraj Koli in the presence of PW-4 Dr. Sudhir Bakare. In all these three Dying Declarations, Deceased Minakshi has clearly attributed the act of pouring kerosene on her and setting her ablaze to the Applicant herein.

4. In the light of these consistent Dying Declarations, we are not inclined to accept the submission of learned counsel for the Applicant that as in the case-papers, the history of accidental burns is recorded, Applicant should be released on bail, especially in the light of the fact that Deceased was brought to the hospital by Applicant himself.

5. Hence, the application stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [ACTING CHIEF JUSTICE]